



**TESTIMONY TO THE
HOUSE OF REPRESENTATIVES
COMMITTEE ON THE JUDICIARY
BY DONNA L. BRAZILE, CHAIR
DEMOCRATIC NATIONAL COMMITTEE'S
VOTING RIGHTS INSTITUTE (VRI)
MARCH 7, 2007**

Mr. Chairman, members of this Committee, my name is Donna Brazile and I am the Chair of the Democratic National Committee's Voting Rights Institute (VRI) and a member of the its Rules and Bylaws Committee. I'm honored to be here on behalf of Governor Howard Dean, Chairman of the Democratic National Committee (DNC).

Many thanks for giving me this opportunity to present my testimony to this Committee and thank you for your leadership in the 109th Congress in guiding the reauthorization of the 1965 Voting Rights Act.

While the right to vote is our most precious right and the cornerstone of our democracy, our government policies often fail to encourage voting, and by failing to adopt the principle that voter participation is encouraged and facilitated, the election process has been left open to discrimination, intimidation of those who are new to the process, fraud and abuse.

Soon after the tragic death of Rev. Dr. Martin Luther King, Jr., I was inspired to service by committing myself to helping others register and vote. Although I was only nine years old at the time, I became excited about the opportunity to help register people in my neighborhood to vote by simply telling them they now had "new rights on the books" that would allow Black people to vote. Day after day, I would ride my bicycle all around Kenner, Louisiana – a suburb of New Orleans to inform people of their moral obligation to vote. I told them that while many of us were too young to march for voting rights, we needed them to register and vote in order to help improve conditions in our neighborhood.

You see, one of the local leaders running for City Council had promised to build a playground in our area and that news gave me hope – hope that one day we could play basketball inside because it rained just about every day.

Today, after seven presidential, over fifty congressional and numerous state and local campaigns later, I am still out here urging people to register to vote, to get involved and to use their new political power to improve conditions in their communities. But, I must tell you, I am worried. I am troubled by what I have seen with my own eyes and what I have witnessed repeatedly in several major national elections – the deliberate attempt to disenfranchise and discourage people from exercising their right to participate in the political process.

The rise in voter harassment and voter intimidation is a direct result of some political operatives – often with the blessing of their political leaders trying to gain an electoral advantage at the ballot box. In fact, they call it ballot security – a practice that according to a report written by Rice University's Professor Chandler Davidson and others on behalf of the Center for Voting Rights and Protection – has its origins in the old "Jim Crow systems."

This practice of discouraging people from voting, from schemes that misinform or challenge the electoral status of eligible citizens to participate should be outlawed in this nation.

There is no place in our democracy for election practices that target citizens based on the color of their skin or their partisan affiliation. It's wrong and it should be outlawed.

There is no place in our democracy for last minute attempts to purge eligible citizens just because they may vote for your opponent. It's wrong and it should be outlawed.

There is no place for off duty, uniformed policemen setting up road blocks near polling sites that could impede the ability of eligible, registered citizens to cast their ballots. It's wrong and it should be outlawed.

There is no place in our democracy for political operatives posing as reporters with cameras outside of polling places in order to intimidate voters prior to entering their precincts. It's wrong and it should be outlawed.

There's no place in our democracy for demanding multiple forms of id when the law only requires one—or none. It's wrong and it should be outlawed.

There is no place in our democracy for political parties to fund third party groups who spend their resources by putting out misinformation on precinct locations – or for sending out threatening information

concerning back rent payment, child support or even telling voters that Election Day has been moved to the following Tuesday. It's wrong and should be outlawed.

Throughout my career spanning many political campaigns and numerous elections at all levels, I have advocated the need for meaningful and effective election reform, specifically, the essential need to restore citizens' confidence in the electoral process and the integrity of our voting systems through the adoption of enforceable regulations that will not only reduce fraud, but will also protect the right of all Americans to vote free of harassment and intimidation and to ensure that all votes cast are properly counted.

In signing the original Voting Rights Act, President Lyndon Johnson remarked that "voting is the lifeblood of our democracy." The core of our democracy is premised upon our duty to do everything in our power to make voting secure, open, transparent and easier for citizens to participate. No one should have to pay a fee or incur hardship in order to exercise the right to vote.

The Democratic National Committee's Voting Rights Institute (VRI) was created in the aftermath of the chaotic 2000 Presidential election to educate citizens on their right to vote and to help restore voters' confidence in our electoral system. As Democrats, we believe that every eligible voter should be encouraged to participate in the political process and that their right to vote should be protected. We condemn every act of voter intimidation and voter harassment.

This past weekend, we were reminded of the continued struggle to fulfill the promise of our democracy, when civil rights, community and nationally recognized political leaders gathered in Selma, Alabama to commemorate the 42nd anniversary of Bloody Sunday, a day when hundreds of protesters fighting for civil rights started to march from Selma to Montgomery, but only got as far as the Edmund Pettus Bridge when they were met with the unprovoked brutal force of state and local law enforcement. This march and two others that followed shortly after led to the passage of the single most important piece of civil rights legislation, the Voting Rights Act of 1965.

In the 42 years since the passage of this historic legislation, this country has seen much progress in the expression of our democracy. It is estimated that in the first decade alone, following the Voting Rights Act, more than 20 million new voters were added to the rolls. The number of minority elected officials at the state and federal level has increased significantly. Prior to the passage of the voting rights act, there were only 3 African American members of Congress; today there are 43. In the reauthorization and extensions, the Voting Rights Act was strengthened and expanded to provide language assistance to certain communities. This in turn has helped voters to participate in a meaningful way in our democracy.

When President Bush signed the Fannie Lou Hamer, Rosa Parks, Coretta Scott King Voting Rights Reauthorization and Amendments Act of 2006, surrounded by a bi-partisan group of lawmakers who worked collegially, he pledged that his administration would "vigorously enforce the provisions of this law, and...will defend it in court." We intend to hold not only this President and Congress but also future Presidents accountable to ensure that our basic rights are protected and enforced.

Despite considerable efforts and progress in recent decades, it is undeniable that storm clouds of voter intimidation still loom today. This is evidenced by the deliberate strategic efforts to suppress and harass eligible citizens from voting, especially youth and people of color.

In the weeks leading up to the 2004 presidential election, the VRI heard numerous reports from citizens claiming that they no longer were on the voter rolls and had to cast provisional ballots or their voting precinct had changed and they were worried that they could not get to the right polling station. Upon hearing some of these reports, I traveled to numerous states including Michigan, Pennsylvania, Missouri, Florida and Ohio to learn firsthand what was happening and to ensure our voter education and protection program was providing some assistance to those who worried that their eligibility would be questioned or challenged. Still we heard problems and decided to figure out exactly what happened.

We conducted a comprehensive investigative study to determine the nature and prevalence of the widely reported problems surrounding the 2004 Presidential Election in the state of Ohio. Very simply, we wanted to know: what was going on and what did voters experience when they went to cast their ballots? While Ohio may have experienced the most extreme and widespread problems, it can be viewed as a microcosm for what happened in numerous states. The types of problems reported in Ohio were reported in other states across the country. Mr. Chairman, I have attached a copy of this study for your review.

In surveys conducted for the DNC study, over half of all African American voters in Ohio in 2004 reported that they encountered some obstacles to voting at the polls. Statewide, African American voters reported waiting an average of 52 minutes to cast a ballot. White voters waited an average of just 18 minutes. African Americans were 20% more likely than white voters to be required to vote by provisional ballot, accounting for 35% of all provisional ballots in the state. Three-quarters of provisional ballots were counted overall in the state, but officials counted only two-thirds of the provisional ballots cast in Cuyahoga County [the city of Cleveland], a county with one of the highest concentrations of African Americans in the state.

Identification requirements were illegally administered and the effects varied significantly by race. Only voters who registered by mail and voters who did not provide identification on the registration form were legally required to produce ID, which accounts for less than 7% of the 2004 Ohio electorate. Fully 61% of male African American voters were asked for ID, and overall, African American voters were 47% more likely to be required to show identification than white voters. These racial differences hold even when controlling for residential mobility.

African Americans were four times more likely than white voters to have their registration status changed at the polls, arriving to find that their names had either been purged or never added. African Americans were three times more likely to experience voter intimidation than white voters, including misinformation campaigns that threatened arrest and up to 10 years in jail if a person who had ever been arrested, had a family member arrested, or had an unpaid parking ticket tried to vote.

No one should wait for an hour to vote, or be illegally asked to produce ID, or have to cast a provisional ballot without cause. But those precincts where voters have been forced to wait in line for hours in order to vote have historically been located in neighborhoods occupied by large numbers of poor people, people of color and young people. While many decisions, ranging from where to place polling sites, training election day workers and accessibility to public transportation, are left to local and state officials, it's imperative that we find ways to outlaw all forms of discrimination in the process of making these important decisions.

In 2000, we heard of, and in some cases witnessed, various illegal schemes that prevented tens of thousands from voting and discouraged many more with attempts to disenfranchise citizens from voting.

Prior to Election Day, the former Secretary of State of Florida authorized the purging of citizens -- primarily African-American and Latino voters. Up to 30 percent of those purged were located in predominantly Democratic and minority voter precincts. My sister who resided in Seminole county (Orlando, Florida) called me early on Election Day and asked, "How many forms of I.D. do I need to vote?" My simple answer was to tell her only one. Unfortunately on that day, Demetria had to produce not one, nor two, but three forms of ID in order to vote.

In spite of the heightened attention that voter disenfranchisement has received since the 2004 election, we continue to see disturbing illegal voter suppression campaigns. The reality is that voter ID laws that go beyond the requirements of HAVA disenfranchise many lawfully registered voters. And, they do so in a discriminatory fashion, disproportionately undermining the voting rights of seniors, low-income citizens, minorities, young people and people who live in urban and rural areas. Voting laws are unevenly and often improperly enforced by election officials.

According to the Cuyahoga Election Review Panel Interim Report issued on June 14, 2006, there was a disparity in Ohio between those who were asked for identification: 35 percent of Clevelanders said they were asked for ID as opposed to 16 percent of suburban residents, and 31 percent of African American voters were required to present ID in contrast to 18 percent of white voters. These findings mirror those of the DNC's report on the 2004 election in Ohio. The Cuyahoga report can be found at http://www.cuyahogavoting.org/CERP_Final_Report_20060720.pdf.

In October of 2006, the campaign of a Republican candidate for the 47th Congressional District of California sent thousands of intimidating letters written in Spanish to voters with Hispanic surnames. These letters advised that immigrants could not vote and could be deported for doing so. The letters deliberately concealed the fact that immigrants who become naturalized citizens can vote just like any other citizen.

In Maryland, just days before the 2006 general election, copies of the Election Day manual for the Maryland Republican Party were obtained; in that manual, Republican Party workers were given false information about voters' rights, were told systematically to challenge voters and were advised to threaten election judges with jail time. On Election Day in Maryland, flyers were distributed in Prince George's County, by the Ehrlich/Steele Republican campaign, falsely stating that African American elected officials had endorsed the Republican candidates for U.S. Senate and for Governor and misleading voters about the party affiliation of those candidates.

Registered voters in Virginia and Colorado received automated phone calls falsely claiming they were removed from the voter registration rolls. Citizens were then warned that if they showed up at the polls they would be arrested. In Arizona, Latino voters were confronted by intimidating gunmen who provided false information about the qualifications for voting in an effort to prevent eligible voters from participating. These tactics are not new.

In 2004 voters from Ohio to Pennsylvania received fliers telling them to vote on Wednesday, the day after the election. Milwaukee voters received a flier from the fictitious "Milwaukee Black Voters League" warning them that if they had ever voted before that year, if they didn't pay their child support or if "anyone in your family has ever been convicted of anything" and the voter cast a ballot that voter will lose his/her children and go to jail for 10 years. Students at Prairie View A&M University were threatened with a \$10,000 fine or 10 years in prison if they registered to vote at school, despite having the same rights as any other Prairie View resident to participate. Students at colleges and Universities across the country were forced to navigate an already difficult election administration system in the face of similar deliberate deception.

For years, voters in Baltimore and my home state Louisiana have been subject to similar deceit and misinformation. As I mentioned before, nearly all of these tactics are focused on traditionally disenfranchised voters. The very Americans the Voting Rights Act is committed to protecting are being removed from the system through cynicism, deceit and misinformation.

The continuing problems faced by voters at the polls demand additional election reform measures, including steps aimed at addressing the kind of deceptive practices, specifically intended to intimidate voters that we witnessed in the 2006 elections. HR 1281, the proposed Deceptive Practices and Voter

Intimidation Prevention Act of 2007, would represent a great step forward in outlawing these kinds of abhorrent practices while protecting and respecting the rights of free political discourse protected by the First Amendment. We commend you, Mr. Chairman, and the co-sponsors of this important legislation for confronting head on the type of intimidating tactics we witnessed last fall and for carefully crafting these measures to put an end to them.

We cannot allow another election cycle to go by where we witness deliberate efforts to subvert the will of voters to vote for their candidate of choice.

This necessary legislation will not only provide the tools to go after those who want to manipulate election results but will provide the necessary framework to provide voters with the correct information from a trusted source.

The United States has never committed itself to policies of full voter participation. The failure of that commitment has made it easier for discriminatory practices that selectively disenfranchise certain citizens, in order to give a greater voice to remaining citizens. Until participation by all eligible voters is our goal, we will leave ourselves open to manipulation, election scandal and suppression of selected groups because we are not judging those policies against a principle that favors participation.

The United States of America must lead by example. While the US encourages other nations to adopt broad democratic principles and reform, we need to make a basic policy decision that it is in the best interest of our democratic form of government to encourage all eligible citizens to register and vote. We know that election laws, particularly in some states, emphasize voting prevention, rather than encouraging the participation of all citizens who have that right. That is one reason why voter participation in the United States is lower than that in many other leading democracies. By contrast, election participation in six states that provide same-day voter registration--Idaho, Maine, Minnesota, New Hampshire, Wisconsin, Wyoming -- have reported higher levels of participation with little or no reported election fraud.

The failure to commit to full participation continues to allow states and localities to abrogate the constitutional guarantees of democracy and selectively decide who has an easier and who has a harder time voting.

Aggressive proponents of "ballot security" programs have played a significant role in voter suppression, sending "official looking" personnel (some of whom are off-duty police officers) to polling places, using misinformation and fear campaigns to challenge and intimidate minority voters. These intimidating and disfranchising tactics have been employed by a wide range of Republicans, many of whom are prominent professionals and high official standing within the Republican Party. Legislation requiring voter ID only assists these reprehensible tactics.

Proposed and existing voter ID laws make voting more difficult for no compelling reason. The fact is that all voters, in all states, have to show identification in order to register to vote. Under the federal Help America Vote Act ("HAVA"), all states require first time voters who do not present ID when they register to vote to show it when they come to the polls to vote. Thus, it is given that voters who register by mail and those who are registered in door-to-door voter drives must show ID when they arrive at the polls to vote. The reality is that voter ID laws that go beyond the requirements of HAVA disenfranchise many lawfully registered voters. And, they do so in a discriminatory fashion, disproportionately undermining the voting rights of seniors, low-income citizens, minorities, young people and people who live in urban and rural areas. Voting laws are unevenly and often improperly enforced by election officials.

CLOSING RECOMMENDATIONS ON THE NEED FOR ELECTION REFORM

Let me conclude with some of the recommendations recently adopted at the winter meeting of the DNC to ensure a fair, transparent and error free election. We support legislation and regulation that mandates transparent election administration and that would require voter registration lists mandated under the Help America Vote Act be carefully monitored to ensure they include all voters who are duly registered and that the strongest possible protections are implemented which prevent voters from unlawful purges;

We also support legislation and regulations that entitle any voters who cast provisional ballots in the 2008 federal elections to have these ballots counted in an equitable and inclusive manner, with a presumption in favor of validity and a clear mandate that provisional ballots shall be counted in the most generous possible manner. We believe that adequate funds should be made available under HAVA for states to effectively and equally administer the 2008 general election. Steps toward this goal would include the equitable distribution of voting equipment and supplies to all polling places and brief and equivalent wait times for all voters regardless of where they live, their race or socioeconomic status.

The DNC also believes that ballots timely cast by eligible U.S. voters living overseas should be counted. Further, we call on Congress to allow college students greater access to the polls and ensure that the polls are accessible to all eligible voters, regardless of physical or language limitation.

Lastly, we would like to encourage Secretaries of State and other election officials not to engage in partisan conduct during federal elections. We urge the House to adopt legislation to end voter intimidation and to prevent the harassment of eligible citizens from participating in the political process.

Mr. Chairman, there are several bills pending in the House of Representatives and the U.S. Senate, including HR 1281, which, if adopted, will make great headway in achieving these goals. Let me say specifically that as a District resident, I fully support Congresswoman Eleanor Holmes Norton's bill, H.R.

328, which will provide for the treatment of the District of Columbia as a Congressional District for purposes of representation in the House of Representatives. The call for voting rights to the hundreds of thousand of tax paying American citizens is long overdue. I would hope this Congress, along with the President, will work towards its enactment and to fully embrace the goal of giving all Americans a voice and a vote in the governing of our nation.

Mr. Chairman, I believe we can make our democracy work for all its citizens. In my lifetime, I have seen barriers fall. I witnessed a non-violent revolution to allow all Americans at seat at the political table. In closing, please allow me to pay homage to those who dared to live the dream, who longed for freedom and the right to vote. When those brave Americans gathered at the Edmund Pettus Bridge some 42 years ago today, all they wanted was freedom. They wanted a seat at the table and they wanted to register and participate in the electoral life of our democracy.

Along the way, they were beaten and jailed. But they never faltered in their journey. They continued to fight for justice and the right to vote. Later that summer, they began a massive voter registration effort in places where people didn't even know they could, in theory, vote.

We have come along way since then. One of those who journeyed across that bridge now sits in the House of Representatives. I am here because they marched. Because they knew the day would come for all of us to have a seat at the table.

Mr. Chairman, please act to remove the remaining impediments to the dream of true equality for all. Remove the last vestiges of Jim Crow and allow every eligible citizen the right to vote, to sit at the table and help guide and lead this nation.

African-Americans, Hispanics, Native Americans, Asian Americans, women, gays and lesbians, people with disabilities and people of all backgrounds sit in jobs, live in homes, and hold positions that would have been unthinkable four decades ago.

To honor their legacy and the sacrifice of so many others, to live up to the expectation of the generations of Americans who constantly pushed us to realize America's full promise as a democracy, we must take up this fight to eliminate all barriers to electoral participation.

All Americans – no matter their party – must join us in repairing the machine of our democracy, and the heart of our nation.

Thank you for allowing me to participate and share my observations.

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CONTROVERSY GREET'S EARLY VOTING

By Judy Normand/OF THE COMMERCIAL STAFF
Tuesday, October 22, 2002 12:00 AM CDT

Early voters were met Monday at the Jefferson County Courthouse by poll watchers from the Republican Party of Arkansas who demanded identification and challenged voter ballots.

The Democrats' "Team Arkansas" had barely concluded its early vote rally across the street from the Courthouse when the trouble began.

Under the watchers' eyes, both voters and county officials received what they called unexpected -- and unnecessary -- scrutiny of the election process.

Trey Ashcraft, chairman of the Jefferson County Election Commission, said it was obvious the Republicans'

actions were targeting African-Americans.

In a press release, Michael Cook, executive director for the Democratic Party of Arkansas, criticized Sen. Tim Hutchinson and the Republican Party for intimidating and harassing African-American voters in Jefferson County and for giving the poll watchers notarized credentials he said were apparently forged.

"Their papers did not seem to be in order," Ashcraft said.

"Tim Hutchinson and the Republican Party have claimed that they want to reach out to African-American voters, but when election time comes they have nothing to offer but intimidation and harassment," Cook said. "We ask Tim Hutchinson and his party to stop disenfranchising African-American voters and obstructing the democratic process."

During Monday's voting, poll watchers were seen asking voters to either produce identification or risk having their ballots challenged.

"A voter does not have to show an ID as long as it's noted on the ballot," Secretary of State Sharon Priest said. "They (poll watchers) can challenge a ballot, but they cannot ask for an ID or even talk to the voters."

Several voters received pointed requests from poll watcher Allison Johnson to produce identification, and refused -- a right, Priest said, that is protected by law.

Voter Bonita McCray also refused the ID request, saying "When she insisted, I put my ID back in my purse. They had no right to do this."

Officials in the clerk's office said several would-be voters became so frustrated and offended by the process that they left without casting a vote. Deputy Clerk Charlotte Munson reported a poll watcher had actually walked behind her counter to photograph voter information on her computer screen.

The watcher, she said, also asked for identification from, and then photographed, a first-time voter who was visibly shaken by the action.

"This woman (a poll watcher) was looking over my shoulder, and this is my business, not hers," the agitated voter said later.

Poll watcher Chris Carnahan admitted a colleague had been using photography to document aspects of the voting process, but said he did advise the person to put away the camera.

"We're here to ensure a clean and fair election," he said.

Johnson also accused a deputy clerk of not requesting IDs from prospective voters and said workers had no challenge ballots prepared.

"They refused to accept challenge ballots," Johnson said.

Ashcraft said this was not true. He was unable to say exactly how many ballots were challenged, but said there had been "several."

Ashcraft said he was disappointed in the Republican "Gestapo" tactics.

"They're trying to intimidate and prevent voters from participating in the Democratic process," Ashcraft said. "The registered voters feel insecure and the photos are inexcusable. They (Republicans) know they can't win, so they're trying to steal this election. This is politics at its worst. They're breaking the law and it's disgusting."

At least twice, Ashcraft summoned a deputy from the Jefferson County Sheriff's Office to escort "watcher" Diane Jones out of the clerk's office for what he said was definite interference with the voting process.

Cook said the tactics used by the Republican workers clearly crossed the line from poll watcher to voter obstruction.

Marty Ryall, director of the Republican Party of Arkansas, said in a telephone interview that different groups of poll watchers will continue to be sent to the Jefferson County Courthouse each voting day until Nov. 5. Ashcraft countered with a promise to produce "watchers" of his own -- of the Democratic persuasion.